REMARKS

[0003]　　Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-11, 13-15, 17-30 and 32-33 are presently pending.　Claims amended herein are: 1, 9, 11, 15 and 30.　Claims withdrawn or cancelled herein are: None.　New claims added herein are: None.

Response to previous arguments

Applicant graciously appreciates the Examiners remarks in response to the previously submitted response and thanks the Examiner for considering the arguments and removing the rejection of claims 1-10, 15-33 under USC 102 and of claim 8 under USC 112 2nd paragraph.

Statement of Substance of Interview

[0004]　　The Examiner graciously talked with me—the undersigned representative for the Applicant—on 11 August 2008.　Applicant greatly appreciates the Examiner's willingness to talk.　Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005]　　During the interview, I discussed how the claims differed from the cited references, namely Gazzetta and Tock.　Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006]　　The Examiner was receptive to the discussed clarifications, specifically the clarification regarding Gazetta's lack of description of a public service, the

distinction between authorization and authentication, the distinction between publicly connected and publicly accessible systems and the meaning of a user-domain association. Based upon these clarifications agreed upon during the interview Clarifying amendments were discussed. The Examiner indicated that the proposed amendments would overcome the 101 and 112 rejections. The Examiner indicated he would need to review the cited art more carefully and do another search in light of the remaining rejections, and requested that the proposed amendments be presented in writing.

[0007]   Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008]   If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009]   Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.
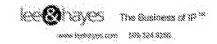
Claim Amendments

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 9, 11, 15 and 30 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

Substantive Matters

Claim Rejections under § 101

[0011]   Claims 15-29 are rejected under 35 U.S.C. § 101. Applicant respectfully traverses this rejection. Furthermore, in light of the amendments presented herein and the agreement reached during the above mentioned Examiner interview, Applicant respectfully submits that these claims comply with the patentability requirements of §101 and that the §101 rejections should be withdrawn. Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Claim Rejections under § 112 2nd ¶

[0012]   Claims 15-29 are rejected under 35 U.S.C. § 112, 2nd ¶. Applicant respectfully traverses this rejection. Furthermore, in light of the amendments presented herein and the agreements reached during the above mentioned Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Claim Rejections under § 102 and § 103

[0013] The Examiner rejects claims 11 under § 102. For the reasons set forth below, the Examiner has not shown that the cited reference anticipates the rejected claims.

[0014] In addition, the Examiner rejects claims 1-10, 13-14, 15, 17-26, 27-29, 30 and 32-33 under § 103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

[0015] Accordingly, Applicant respectfully requests that the § 102 and § 103 rejections be withdrawn and the case be passed along to issuance.

[0016] The Examiner's rejections are based upon the following references alone and in combination:

- **Gazzetta:** *Gazzetta, et al.,* US Patent Publication No. 2004/0083297 (Published April 29, 2004); and
- **Tock:** *Tock, et al.,* US Patent Publication No. 2006/0242241 (Published October 26, 2006).

Gazzetta

[0017] Gazzetta describes a technology for centrally controlling a enterprise wide instant messaging system wherein the disparate nodes of the infrastructure are on separate private networks.

Tock

[0018] Tock describes a technology for gaining access to private network resources from a public network using a web browser.

Anticipation Rejections

[0019] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.[1] Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.[2]

Based upon Gazzetta

[0020] The Examiner rejects claims 11 under 35 U.S.C. § 102(e) as being anticipated by Gazzetta. Applicant respectfully traverses the rejection of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 11

[0021] Applicant submits that Gazzetta does not anticipate this claim because it does not disclose the following elements as recited in this claim (with emphasis added):

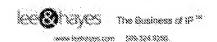> an instant message (IM) service connection request from a user,
> wherein the connection requested is to **a publicly-accessible**
> **(public) IM service**;

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[1] "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

[2] See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

[0022] Gazetta discusses a public IM service but the definition of public is not equivalent to that described in the instant application. Gazetta presents "public" to mean being part of the general network of an enterprise that connects multiple secured networks within the same enterprise (Gazetta Fig.6). Gazetta futher describes the separate networks as each being an enterprise connected together as a larger Enterprise. (Gazetta [0006]). The "public" IM service provider described by Gazetta is part of the larger Enterprise.

[0023] The pubic IM service described in the instant application is disclosed to mean a public instant messaging service accessible to the public.

[0024] The IM service described by Gazetta is part of an Enterprise and is not accessible by the public. Therefore the service provider described by Gazetta is not a public-accessible IM service as recited by claim 11.

[0025] Consequently, Gazzetta does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 13 -14

[0026] These claims ultimately depend upon independent claim 11. As discussed above, claim 11 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0027]   Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon Tock in view of Gazzetta

[0028]   The Examiner rejects claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over Tock.   Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0029]   Applicant submits that the combination of Tock and Gazzetta does not teach or suggest at least the following elements as recited in this claim (with emphasis added):

> the **publicly-accessible (public) IM service** receiving via a client application, a request from a user to connect to the public IM service;

> the public IM service **determining that the user is associated with a particular domain**;

based on a determination that the user is associated with the particular domain, the public IM service redirecting the request to an IM gateway server that is associated with the particular domain.

[0030] The Examiner states in the Action that Gazzetta presents a public IM service. As discussed in the 102 rejection above, the Applicant respectfully disagrees. Gazzetta does not present a public IM service.

[0031] The Examiner states in the Action (pg. 6) that Tock presents a request to connect to an email server from a public network and that this request is equivalent to the recited claim language:

> **The publicly-accessible (public) IM service** receiving via a client application, a request from a user to connect to the public IM service;

[0032] Applicant respectfully disagrees. As discussed in the previously mentioned Examiner interview, Tock presents a way to connect to a variety of resources that are hosted on a private network from a client that is hosted on a public network is categorically distinct from the problem of connecting a from a private network to a public one as is presented by the instant application. Therefore, the solutions provided by Tock to connect from a public network to a private resource are not equivalent to the recited claims in the instant application.

[0033] Consequently, Tock does not disclose any of the recited features of the recited claims. Furthermore, the addition of Gazzetta does not remedy the

deficiencies of Tock. Therefore the combination of **Tock and Gazzetta** does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 9

[0034]   Independent claim 9 is allowable for at least similar reason as those presented in support of the allowability of claim 1. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2-8 and 10

[0035]   These claims ultimately depend upon either independent claim 1 or 9. As discussed above, claims 1 and 9 are allowable.   It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Based upon Gazzetta in view of Tock

[0036]   The Examiner rejects claims 15, 17-26, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Gazzetta in view of Tock.   Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Independent Claim 15

[0037] Applicant submits that the combination of Gazzetta and Tock does not teach or suggest at least the following elements as recited in this claim (with emphasis added):

> **a publicly-accessible (public) instant message service**
> configured to enable public instant message communications between two or more users,;

> an instant message connect **domain store configured to store domain names** that identify domains for which instant message **service connection requests are to be redirected**;

> **a dispatch server,**

> **determining whether the connection request is from a user associated with a domain** identified in the instant message connect domain store;

> **issuing a transfer command** to the instant message client application

[0038] The Examiner states in the Action that Gazzetta presents a public IM service. As discussed in the above mentioned Examiner interview and in the 102

rejections above, the Applicant respectfully disagrees. Gazzetta does not present a public IM service.

[0039] The Examiner states in the Action (pg. 13) that Tock presents a public service. The Applicant respectfully disagrees. As discussed in the above mentioned Examiner interview, the service discussed by Tock is "connected" to a public network but is not "available" to the public. Only authorized users are able to connect to and use the service in order to gain access to the private resources it makes available. Therefore Tock's service is not publicly-accessible.

[0040] Therefore, neither Tock nor Gazzetta present or teach a publicly-accessible IM service. Consequently, the combination of Tock and Gazzetta does not disclose or teach all of the recited features of the recited claims. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

[0041] In addition, the Examiner states the following on page 14 of the Action as a reason for combining Tock and Gazzetta:

Therefore the combination of Tock and Gazzetta would have been obvious because as one of ordinary skill in the art would view email and instant

messaging as analogous arts (in that they both deal with electronic communication between users and involve the communication of primarily text based messages) and as a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. Specifically, as Tock discloses allowing access to private email accounts over a public network (Tock, Abstract), and Gazzetta discloses linking public IM accounts with private IM accounts (Gazzetta, [0026]), the combination would yield a system to access private IM accounts via a public IM service and would led to anticipated success (as Gazzetta discloses access to a public IM service via a private IM service, the converse would have been obvious and successful in view of Tock's disclosure of such a system in regards to email) brought about not by innovation, but of ordinary skill and common sense.

[0042]   The applicant respectfully disagrees that a person of ordinary skill of the art would consider instant messaging and email as analogous arts by the reasoning that they are both electronic and contain text.

[0043]   Furthermore, Applicant fails to understand how the result of combining Tock and Gazzetta is found to be "a system to access private IM accounts via a public IM service". The Examiner has not demonstrated the reasons underpinning his conclusion that the combination would have this result. Applicant submits that the combination would not be expected to yield such a result.

[0044]   Still further, Applicant disagrees with the statement that "the converse [of the result of the combination] would have been obvious and successful." It is a logical fallacy to propose that a solution is true by proving the inverse is true. In the case of the combination of Tock and Gazzetta, if such a combination was possible, inversion of the result would not solve the inverse of the problem. In particular, the techniques taught by Tock to access a private network from a public client are not applicable to accessing a public network from a private client.

[0045]   Applicant submits that the Examiner has failed to present valid, reasoned underpinnings to support the combination of Tock and Gazzetta and respectfully requests the Examiner to fully support the reasoning for the combination as required by the MPEP. The current reasons for combination are not sufficient for the Applicant to make a reasoned response.

Dependent Claims

[0046]   In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0047]   All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**. Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

 /Clay D. Hagler/ Reg. 61,804   Dated: 9/12/2008

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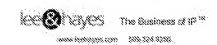Clay D. Hagler (clay@leehayes.com; x223)
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